

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
v.	)	CRIMINAL NO. 05-10153-GAO
	)	
JIANGYO ZHU and	)	
KAYOKO KIMBARA	)	
	)	
Defendants	)	
	)	

**JOINT MOTION FOR EXCLUDABLE DELAY DURING DIVERSION PERIOD**

On April 13, 2006, the parties filed a Pretrial Diversion Agreement with the Court. (Docket 52) (hereafter, the “Agreement”). The Agreement provides, inter alia, that if the defendants remain in full compliance with all of their obligations under the Agreement for a period of twelve months (the “Diversion Period”), the United States shall seek dismissal of the Indictment with prejudice. The Agreement further contains an agreement by the defendants to toll the statute of limitations and the Speedy Trial Act clock for the period of time the Agreement is in effect.

Consistent with the foregoing provisions, the parties jointly move that the Court exclude under the Speedy Trial Act the period of time from April 13, 2006 to April 13, 2007, which is the length of the Diversion Period. The foregoing time is specifically excludable pursuant to 18 U.S.C. § 3161(h)(2). It also is excludable in the interests of justice under 18 U.S.C. § 3161(h)(8)(A).

Respectfully submitted,

JIANGYO ZHU

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By his attorney,

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KAYOKO KIMBARA

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Date: June 15, 2006